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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,137	02/04/2004	Gary Shigeru Natsumi	MAKO 2 00030	1868

27885 7590 10/05/2007  
FAY SHARPE LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114

EXAMINER
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SHAHRESTANI, NASIR

ART UNIT	PAPER NUMBER
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3737

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/772,137

Applicant(s)

NATSUMI ET AL.

Examiner

Nasir Shahrestani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/4/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-14 are pending.

Claims 1 and 2 have been cancelled.

Claims 7-14 are added as new claims.

Previous 35 USC 112 rejection of claim 6 has been withdrawn.

### ***Response to Arguments***

Applicant's arguments filed 2/16/2007 have been fully considered but they are not persuasive.

Applicant argues that claims 3 and 4 call for a bracket, a first hinge at a first end of the bracket and a second hinge at the second hinge and that the reference Amemiya has a single hinge 400. Examiner respectfully disagrees in that Amemiya does in fact disclose two hinges, (see fig. 3 and fig. 4) having a display being connected therethrough to a case.

Examiner further disagrees with applicant in that within the broadest reasonable interpretation of the claimed language, the keyboard as disclosed by Amemiya is in fact inherently connected to said case through a "hinge", shown as element 400.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Amemiya (U.S. 2002/007548).

Amemiya teaches an integrated computer and display for use in a computer assisted surgical or interventional procedures, comprising:

A case (box shaped body 200) housing a computer for running a computer assisted surgical navigation process (see title); a panel shaped display (image display device 312) having a screen on one side; a bracket (planar panel 300) operable to couple said display device to said case (par.[0067]), whereby the display is pivotable between a stowed position in which the screen faces a side of the case and an open position, in which the screen faces away from the case (fig. 1; fig. 2). Amemiya teaches a first hinge and second hinge (hinge 400) to hingeably couple a first end of said bracket to said case (par. [0067]). Amemiya further teaches a keyboard (keyboard 212) hingeably coupled to said case.

**Claims 7-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Twyford (U.S. 6,386,413 B1)

Twyford teaches an apparatus and method for mounting a computer in a vehicle, comprising a case housing a computer (element 100), capable of being programmed for a computer assisted surgical procedure; a panel shaped display device having a display screen on one side (element 12); multiple hinge and bracket assemblies (fig. 1) which connects the case and display for pivoting movement between: a stowed, fully extended, and lower position (fig. 1). Twyford further teaches in detail a first, second, and third hinge (fig. 1), capable of rotating

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the various components of the computer system to be position where the monitor faces down towards the keyboard, or away at a 45 degree angle, and fully extended, exceeding 90 degrees.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasir Shahrestani whose telephone number is 571-270-1031. The examiner can normally be reached on Mon.-Thurs: 7:30-5:00, 2nd Friday: 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*NSS*

NSS

9/29/2007

*B. L. Casler*  
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